

### REMARKS

Applicants respectfully request reconsideration. Claims 1-35 and 37-47 were previously pending in this application. Claims 1-35 and 37-47 remain pending with claims 1, 31, and 35 being independent. No new matter has been added.

#### Rejection of Claims 1-35 and 37-47 under 35 U.S.C. §103(a)

Claims 1-35 and 37-47 were rejected as being unpatentable over U.S. Patent No. 6,509,110 (“Salbeck”), U.S. Patent No. 6,605,693 (“Becker”), or Hoffmeister, et al., “Triptycene Polymers,” Journal of Polymer Science: Part A-1 1969, 7, 55-72 (“Hoffmeister”) (collectively, “the references”). Although not completely clear from the Office Action, the Patent Office appears to base its rejection on some combination of these references. However, since the matter is unclear, Applicant will respond as if the rejection is made based upon the references alone or in combination. Applicant respectfully traverses this rejection.

Applicant does not see any teaching, suggestion, or motivation for one of ordinary skill in the art to modify any of the references, alone or in combination, to produce the invention as claimed, or how one skilled in the art would combine known elements, or substitute one known element for another, to predictably reach the invention as claimed. The Patent Office has not provided a clear articulation of any reason why the claimed invention would have been obvious in view of the references, as is required to support a *prima facie* case of obviousness under 35 U.S.C. §103(a). Moreover, the Patent Office has not shown how a combination of any two of the references, or a combination of all three of the references, results in a composition or device as claimed in the present application.

Although the Patent Office states that “it would have been obvious for one of ordinary skill in the art to select reactants under conditions from the references within the limitations of the instant claims to get the claimed products,” the Patent Office has pointed to no objective evidence, such as a teaching, suggestion, or motivation in any of the references, or in any other prior art reference of record, that would allow the Patent Office to form such a conclusion. Such a general statement, without any evidentiary support, is inadequate to support a *prima facie* case of obviousness. Instead, the Patent Office must provide an articulated reasoning, and not just mere conclusory

statements, to support a legal conclusion of obviousness. If this rejection is continued, then it is respectfully requested that the Patent Office point out specifically where, in the references, there is a suggestion or motivation to make any modification to any of these references, and why such modification would result in a composition or device as claimed.

Applicant also notes that a showing of unexpected results is not required at this time since the Patent Office has not established a *prima facie* case of obviousness, as noted above. However, even if a showing of unexpected results was necessary, Applicant notes that the specification describes various compositions and devices that would not have been expected based on the teachings found in the references, or elsewhere in the prior art.

Applicant would also like to address several miscellaneous points raised in the Office Action. Applicant respectfully disagrees with the assertion by the Patent Office that Salbeck discloses triptycene derivatives and the synthesis to form such products “as required in claims 31-35 and 37-47” of the present application. While Salbeck might disclose compounds or polymers that may be related to one element of one or more of claims 31-35 and 37-47, such compounds or polymers are not required by the invention as claimed. Applicant also respectfully disagrees with the assertion by the Patent Office that the references disclose “the required reactants under cited conditions to form the same or similar products” as claimed in the present application. As noted above, there is no teaching, suggestion, or motivation in the references to combine or modify of any of the references to result in a composition or device as claimed.

Because each claim limitation is not taught or suggested by the references, there is no motivation or suggestion to combine or modify the references to result in the invention as claimed. Even if any two or more of the references cited were combined, it is not seen how the invention as claimed would result, and the Patent Office appears to be using classic hindsight reasoning in formulating its rejection without referring to a specific basis as outlined in new Patent Office examination guidelines. For at least these reasons, claims 1-35 and 37-47 are patentable over the references.

Accordingly, withdrawal of the rejection of these claims is respectfully requested.

In view of the above, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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